

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

168Q0113

HOUSE JUDICIARY ENGROSSED NO. **SB 33** - 3/9/2009

Introduced by: The Committee on Judiciary at the request of the Office of the Secretary of State

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding permission to carry
2 a concealed pistol and to repeal certain requirements concerning applications to purchase
3 a pistol.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 23-7-8.7 be amended to read as follows:

6 23-7-8.7. The provisions of § 23-7-8.6 do not apply to:

- 7 (1) Records of firearms that have been used in committing any crime;
- 8 (2) Permits to carry a concealed pistol records relating to any person who has been
9 convicted of a felony;
- 10 (3) Records of the serial numbers of firearms that have been reported stolen that are
11 retained for a period not in excess of ten days after such firearms are recovered and
12 returned to the lawful owner. However, official documentation recording the theft of
13 a recovered weapon may be maintained no longer than the balance of the year entered
14 and two additional years;



- 1 (4) Firearm records that must be retained by firearm dealers under federal law, including
- 2 copies of such records transmitted to law enforcement agencies;
- 3 (5) Any on duty law enforcement officer while conducting routine verification of the
- 4 validity of a permit to carry a concealed pistol; ~~and~~
- 5 (6) The secretary of state for the issuance of concealed pistol permits pursuant to chapter
- 6 23-7 and any access reasonably necessary to verify information with regard to
- 7 specific permits individually; and
- 8 (7) The preservation of the triplicate copy of the application for a permit to carry a
- 9 concealed pistol by the authority issuing the permit as required by § 23-7-8.

10 Section 2. That § 23-7-7.1 be amended to read as follows:

11 23-7-7.1. A temporary permit to carry a concealed pistol shall be issued within five days of

12 application to a person if the applicant:

- 13 (1) Is eighteen years of age or older;
- 14 (2) Has never pled guilty to, nolo contendere to, or been convicted of a felony or a crime
- 15 of violence;
- 16 (3) Is not habitually in an intoxicated or drugged condition;
- 17 (4) Has no history of violence;
- 18 (5) Has not been found in the previous ten years to be a "danger to others" or a "danger
- 19 to self" as defined in § 27A-1-1 or is not currently adjudged mentally incompetent;
- 20 (6) ~~Has been~~ physically resided in and is a resident of the county ~~or municipality~~ where
- 21 the application is being made for at least thirty days immediately preceding the date
- 22 of the application;
- 23 (7) Has had no violations of chapter 23-7, 22-14, or 22-42 constituting a felony or
- 24 misdemeanor in the five years preceding the date of application or is not currently

1 charged under indictment or information for such an offense;

2 (8) Is a citizen of the United States; and

3 (9) Is not a fugitive from justice.

4 A person denied a permit may appeal to the circuit court pursuant to chapter 1-26.

5 Section 3. That chapter 23-7 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Any person who is active duty military with a home of record in South Dakota is considered
8 to have met the provisions of subdivision 23-7-7.1(6).

9 Section 4. That § 23-7-10 be repealed.

10 ~~—23-7-10. At the time of purchase of a pistol, any person who does not have in his or her~~
11 ~~possession a valid permit to carry a concealed pistol shall complete an application to purchase~~
12 ~~a pistol. The form of the application to purchase a pistol shall be prescribed by the secretary of~~
13 ~~state. The application shall require the applicant's complete name, address, occupation, place~~
14 ~~and date of birth, physical description, the date and hour of application, a statement that the~~
15 ~~applicant has never pled guilty to, nolo contendere to, or been convicted of a crime of violence,~~
16 ~~a statement that the information on the application is true and correct, and his signature. The~~
17 ~~federal firearms licensee shall, within six hours, send by first class mail or hand deliver the~~
18 ~~completed application to the chief of police of the municipality or the sheriff of the county of~~
19 ~~which the purchaser is a resident. The duplicate shall be returned to the federal firearms licensee~~
20 ~~by the chief of police or sheriff and the original shall be retained for a period of one year.~~